

**DRAFT**

City of Sunnyvale

**Analysis of Impediments to  
Fair Housing Choice**

**DRAFT**  
**City of Sunnyvale**  
**Analysis of Impediments to Fair Housing Choice**

*Table of Contents*

<b>EXECUTIVE SUMMARY .....</b>	<b>1</b>
<b>I. INTRODUCTION.....</b>	<b>3</b>
Development of the AI.....	4
Definition of Fair Housing .....	5
<b>II. BACKGROUND DATA .....</b>	<b>7</b>
Sunnyvale Overview .....	7
Demographic Trends in Sunnyvale.....	7
Limited English Proficiency .....	9
Information from Fair Housing Study in Santa Clara County .....	13
<b>III. CITY OF SUNNYVALE’S FAIR HOUSING PROFILE.....</b>	<b>19</b>
<b>IV. IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING.....</b>	<b>22</b>
In the Sale or Rental of Housing .....	22
Provision of Housing Brokerage Service.....	23
Provision of Financing Assistance for Dwellings .....	23
Public Policies and Actions Affecting the Approval of Site and Other Building Requirements ..	24
<b>V. ASSESSMENT OF CURRENT FAIR HOUSING PROGRAMS AND ACTIVITIES IN SUNNYVALE.....</b>	<b>26</b>
<b>VI. RECOMMENDATIONS.....</b>	<b>31</b>
Educate and Increase Awareness of Fair Housing Issues .....	31
Research and Measure the Extent of Housing Discrimination in Sunnyvale.....	32
Coordinate with Other Organizations to Address Fair Housing Issues.....	33
Review and Monitor the City’s Contracts for Fair Housing Activities.....	34
<b>APPENDIX A .....</b>	<b>A-1</b>

## *List of Tables*

Table II.1 Racial Composition, 1990-2000.....	7
Table II.2A Demographic Changes, 1990-2000 .....	8
Table II.2B Demographic Changes, 1990-2000 .....	8
Table II.2C Demographic Changes, 1990-2000 .....	9
Table II.3 Changes in Housing Characteristics.....	9
Table II.4 Country of Birth of Foreign Born .....	10
Table II.5 Language Spoken at Home .....	11
Table II.6 Perceptions of Housing Discrimination .....	14
Table II.7 Santa Clara County Denial Rates of the Top Lending Institutions for Asians Using Whites as Comparison ....	16
Table II.8 Santa Clara County Denial Rates of the Top 10 Lending Institutions for Blacks Using Whites as Comparison ....	17
Table II.9 Santa Clara County Denial Rates of the Top 10 Lending Institutions for Hispanics Using Whites as Comparison .....	18

# **DRAFT**

## **CITY OF SUNNYVALE ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING CHOICE Adopted May 9, 2006**

### **EXECUTIVE SUMMARY**

As an entitlement jurisdiction under the Community Development Block Grant (CDBG) program administered by the Department of Housing and Urban Development (HUD), the City of Sunnyvale is required to affirmatively further fair housing choice and complete an Analysis of Impediments to Fair Housing Choice, or fair housing assessment, every three to five years as part of the required Consolidated Plan process.

The basic HUD requirements for fair housing planning for a local jurisdiction include the following:

- Conduct an Analysis of Impediments (AI).
- Take appropriate actions to overcome the effects of any impediments identified through the AI.
- Maintain records documenting the AI and actions taken. (Annual monitoring of actions and results)

HUD defines fair housing to mean the ability of persons of similar income levels to have the same housing choices regardless of race, color, religion, sex, handicap, familial status or national origin. Discrimination in the sale or rental of housing is prohibited against these protected classes. Fair housing laws are intended to further equal opportunity in housing, mortgage lending, and the purchase of mortgage insurance.

This report presents information on fair housing issues in the City of Sunnyvale and incorporates demographic data derived from the 2000 Census. The special Countywide fair housing study, in which Sunnyvale participated, provided data on possible discrimination in mortgage lending as well as data on perceptions of discrimination. The study also included socioeconomic

comparisons from the 2000 Census and an in depth review of the performance of selected fair housing agencies, and the roles of agencies throughout the County.

The report reviews the wide range of activities that the City currently participates in or supports to further fair housing choice. The City's activities extend beyond its funding of Project Sentinel and include activities such as allocating CDBG funding for handicapped access and accessibility improvements, translating public documents into the languages used by City residents, expanding outreach efforts to residents with limited English proficiency, and including a fair housing component in homebuyer education workshops for city employees, local teachers and child care workers.

The report concludes with an affirmation of the City's fair housing goal to *provide equal opportunity for housing for all people regardless of their ethnicity, race, religion, marital status, disability, gender, sexual orientation or age.*<sup>1</sup> The document lists the actions and strategies that the City plans to pursue over the next five years to further fair housing choice and opportunities. These actions are in the following categories:

- Educate and increase awareness of fair housing issues.
- Research and measure the extent of housing discrimination in Sunnyvale.
- Coordinate with other public and private organizations to address fair housing issues countywide.
- Review and monitor the City's contracts for fair housing activities.
- The report also has an attachment, "Affirmative Marketing Policies and Procedures", that is followed for the marketing of affordable housing funded by CDBG or HOME.

---

<sup>1</sup> Housing and Community Revitalization Sub-element of the General Plan

## I. INTRODUCTION

This Analysis of Impediments to Fair Housing (AI) meets the requirements of 24 CFR 570.904(c)(1) for entitlement jurisdictions under the Community Development Block Grant (CDBG) program administered by the U.S. Department of Housing and Urban Development (HUD). The City of Sunnyvale has conducted this fair housing assessment in cooperation with other entitlement jurisdictions in Santa Clara County, Project Sentinel, its current provider of fair housing and landlord/tenant mediation services, and other local social service agencies.

The AI is a review of impediments to fair housing choice in the private and public sector. The City has addressed the following areas:

- Review of applicable federal, state and local laws and policies;
- Assessment of how these affect the location, availability, and accessibility of housing;
- Assessment of the impact of public and private sector policies and practices on fair housing choices;
- Development of policy recommendations to address existing policies; and
- Demonstration of the conformity of the City of Sunnyvale's AI with 24 CFR 570.904(c)(1) and other HUD regulations.

The AI is part of the City's Consolidated Plan for 2005-2010, adopted May 10, 2005, which certified that the City will affirmatively further fair housing, complete an AI, carry out actions to eliminate identified impediments and maintain records to verify that the City affirmatively furthers fair housing.

This document updates and replaces the City's previous AI, which was adopted in January, 2003. The City's annual Action Plan must respond to the impediments identified in the AI and include milestones, timetables and measurable results for each year following the completion and update of the AI. All records and supporting documentation pertaining to the AI and the Action Plan are available to the public for review at the Community Development Department, City of Sunnyvale, 456 West Olive Avenue, Sunnyvale, California.

This review will serve as a guide for maintaining and furthering local housing policies and will emphasize the City of Sunnyvale's commitment to fair housing choice. The City of Sunnyvale

has clear policies, codes and guidelines that support fair housing and is committed to achieving equal housing opportunities throughout the City.

The City works cooperatively with other cities and the County of Santa Clara, the Santa Clara County CDBG Coordinators Group and with private and non-profit organizations to improve the fair housing conditions within the City and County. Sunnyvale recently partnered in funding an assessment of fair housing challenges in Santa Clara County, conducted countywide. This undertaking was a unique action and evidenced the working partnership of the CDBG Coordinators Group. The creation of an active, on-going countywide fair housing task force is a direct result of this unique partnership.

The City of Sunnyvale will continue to take an affirmative stance to further fair housing opportunities and choices for its diverse population. The City will make every attempt possible to be sensitive to the needs of all residents in formulating policies and programs. The City will continue its strong support of the affordable housing programs and policies identified in this document.

## **DEVELOPMENT OF THE AI**

The City of Sunnyvale Housing Division and the City's Housing and Human Services Commission in conjunction with Vernazza Wolfe Associates, a consultant, developed the initial AI. The Commission organized a subcommittee to review the AI and to participate in the development of strategies to address fair housing issues. The consultant contacted a number of local agencies concerned with fair housing issues and potential impediments to fair housing, including Project Sentinel, Mid-Peninsula Citizens for Fair Housing (MCFH), Sunnyvale Community Services, Asian Law Alliance, Social Advocates for Youth, and the Salvation Army. This revision to the AI has been updated to reflect changes in the 2005-2010 Consolidated Plan, to expand upon the City's outreach efforts to its multicultural population, and to include the City's Affirmative Marketing Policies and Procedures as an Appendix.

City staff participated in a working group with other CDBG entitlement cities, including Palo Alto, Mountain View, Santa Clara, Gilroy, San Jose and Santa Clara County to coordinate a regional approach to the issue of fair housing choice. These jurisdictions jointly funded a special study conducted by the Empirical Research Group at UCLA, *Fair Housing in Santa Clara County, An Assessment of Conditions and Programs, 2000-2002*. This study assessed the nature and extent of fair housing problems in Santa Clara County and proposed ways to improve current programs that relate to fair housing. This report represented the first attempt to look comprehensively at conditions throughout the County and to use systematic data collection to evaluate several different dimensions of fair housing -- demographic change, lending patterns,

residential attitudes, land use practices, and the performance of fair housing agencies. The report has resulted in collaborative fair housing efforts with the cities of Palo Alto and Mountain View, improvements to the oversight of fair housing services, and the creation of the Santa Clara County Fair Housing Task Force.

## **DEFINITION OF FAIR HOUSING**

Federal fair housing laws prohibit discrimination in the sale, rental, lease or negotiation for real property based on race, color, religion, sex, national origin, familial status, and disability. California fair housing laws built on the federal laws and added marital status, ancestry and “any arbitrary discrimination” as the protected categories under the laws.

Fair Housing is defined by HUD in 24 CFR 570.904 [c][1] to mean the ability of persons of similar income levels to have the same housing choices regardless of race, color, religion, sex, handicap, familial status or national origin. Discrimination in the sale or rental of housing is prohibited against these protected classes. Fair housing laws are intended to further equal opportunity in housing, mortgage lending, and the purchase of mortgage insurance.

Impediments to fair housing choice consist of the following:

- Any actions, omissions, or decisions taken because of race, color, religion, sex, disability, familial status, ancestry, national origin, marital status, or any other arbitrary factor that restrict housing choices or the availability of housing choices; or
- Any actions, omissions or decisions, policies, practices, or procedures that have the effect of restricting housing choices or the availability of housing choices on the basis of race, color, religion, sex, disability, familial status, ancestry, national origin, marital status, or any other arbitrary factor.

To affirmatively promote equal housing opportunity, a community must work to remove impediments to fair housing choice. HUD interprets a jurisdiction’s obligations to include the following:

- Analyze and eliminate housing discrimination in the jurisdiction.
- Promote fair housing choice for all persons, including those with limited English proficiency.
- Provide opportunities for racially and ethnically inclusive patterns of housing occupancy.



- Promote housing that is physically accessible to and usable by, all persons, particularly persons with disabilities.
- Foster compliance with the nondiscrimination provisions of the Fair Housing Act.

Impediments to fair housing include actions or omissions within a jurisdiction's public or private housing sector that:

- Constitute a violation, or a potential violation of the Fair Housing Act;
- Are counter productive to fair housing choice, such as NIMBYism (resistance when minorities or low-income persons first move into White and/or moderate- to high-income areas or resistance to the citing of group homes for persons with disabilities based on their disabilities);
- Have the effect of restricting housing opportunities on the basis of race, color, religion, sex, disability, familial status or national origin.

Examples of impediments in the public sector include local building, occupancy, and health and safety codes that may affect the availability of housing for minorities, families with children, and persons with disabilities. Public policies affecting the approval of sites and other building requirements for approval of construction of housing, either assisted or private, are potential impediments. Language may also be a barrier for families or individuals with limited English proficiency to access critically needed housing opportunities, programs, and services.

In the private sector, examples of impediments include real estate practices such as steering or blockbusting, deed restrictions, inaccessible design, and "occupancy quotas". Other examples include banking and insurance policies or practices pertaining to the financing, sale, purchase, rehabilitation, and rental of housing that may affect the achievement of fair housing choice.

## II. BACKGROUND DATA

### SUNNYVALE OVERVIEW

The City of Sunnyvale's Consolidated Plan, 2005-2010, provides detailed demographic data, maps and other relevant data regarding the characteristics of the City's population, the housing needs of the population, the type, availability and condition of the local housing stock, job characteristics, availability of housing and services for special needs groups and other issues and conditions important in analyzing impediments to fair housing choice. The City's Housing and Community Revitalization Sub-element, January 1999-June 2006, which was adopted in January 2002, addresses many of these same topics as well.

Sunnyvale is nearly built-out, and infill development, redevelopment and revitalization activities predominate. These trends are expected to continue. Sunnyvale has been a regional leader in addressing housing issues, one of the most difficult challenges facing cities in the Silicon Valley. The need for more affordable housing is critical: its symptoms surface in the shape of congested highways, the needs of homeless people, an exodus of young people from the area, and the constraints faced by local businesses in attracting new employees. Sunnyvale has also been active in addressing issues related to quality of life in its neighborhoods, including multicultural and multilingual outreach efforts to its diverse population.

### DEMOGRAPHIC TRENDS IN SUNNYVALE

Demographically, changes have taken place in Sunnyvale since 1990. The tables below (Tables II.1-II.3) compare trends from 1990 to 2000 based on Census data.

**Table II.1 – Racial Composition, 1990-2000**

Area	% White (non-Hispanic)		% Asian		% Hispanic or Latino (of any race)		% Black or African American	
	1990	2000	1990	2000	1990	2000	1990	2000
City of Sunnyvale	64.6	46.5	19.0	34.2	12.8	15.5	3.1	2.7
Santa Clara County	58.1	45.4	16.8	26.6	21.0	24.0	3.5	2.8
California	57.4	47.7	9.2	11.7	25.4	32.4	7.1	6.7

Source: US Census 1990 and 2000

Table II.1 above shows the shifts in racial and ethnic composition in Sunnyvale. As of 2000, the population is more diverse than in 1990. The percentage of Asian residents increased from 19

percent to 34 percent, while Whites dropped from 65 percent to 46 percent. The percentage of Hispanics increased slightly from approximately 14 percent to 16 percent.

Other demographic changes are highlighted below, including the percent of the population speaking a language other than English. The percentage increased from 27 percent in 1990 to almost 46 percent in 2000.

**Table II.2A - Demographic Changes, 1990-2000**

Area	Median Age		% Over 65		Avg. Household Size (people)		Married Couple Families as % of Households		% Occupied Units Owner-Occupied		% Total Units Vacant	
	1990	2000	1990	2000	1990	2000	1990	2000	1990	2000	1990	2000
City of Sunnyvale	32.3	34.3	10.3	10.6	2.42	2.49	47.7	50.0	48.9	47.6	4.9	2.3
Santa Clara County	31.8	34.0	8.7	9.5	2.81	2.92	54.1	54.9	59.1	59.8	3.7	2.3
California	31.7	33.3	10.4	10.6	2.79	2.87	53.8	51.1	55.6	56.9	7.1	5.8

Source: US Census 1990 and 2000

**Table II.2B - Demographic Changes, 1990-2000**

Area	% High School Graduate or Higher		% Bachelor's Degree or Higher		% Persons 5+ Who Moved in Past Five Years		% Speaking Language Other Than English at Home	
	1990	2000	1990	2000	1990	2000	1990	2000
City of Sunnyvale	87.1	89.4	37.1	50.8	55.2	53.8	27.1	45.8
Santa Clara County	82.0	83.4	32.6	40.5	53.8	48.8	32.3	45.4
California	76.2	76.8	23.4	26.6	55.6	49.8	31.5	39.5

Note: Persons who moved in past five years = "Population 5 years and over" – "Same house in 1995."

Source: US Census 1990 and 2000

As shown below in Table II.2C below, there was a slight increase in the percentage of persons in poverty (5.4 percent) compared to 1990 (4.7 percent). The percentage is lower than the percentage for Santa Clara County (7.5 percent).

**Table II.2C - Demographic Changes, 1990-2000**

Area	% Civilian Labor Force Unemployed		% Workers Using Public Transit to Commute		Median Household Income (1999 Dollars)		% Persons in Poverty	
	1990	2000	1990	2000	1989	1999	1990	2000
City of Sunnyvale	4.0	3.3	2.5	3.8	\$63,108	\$74,409	4.7	5.4
Santa Clara County	4.7	3.9	2.9	3.5	\$65,436	\$74,335	7.5	7.5
California	6.6	7.0	4.9	5.1	\$48,685	\$47,493	12.5	14.2

Note: Dollar Value Formula: "1999 Dollars" = 1989 Dollars x 1.36.

Source: US Census 1990 and 2000

Table II.3 below shows changes in housing characteristics, including overcrowding and rent burden. The percentage of households with more than one person per room increased from 8 percent to 13 percent. The percentage of renters paying more than 35 percent of income in rent declined slightly, from 26 percent to 24 percent.

**Table II.3 – Changes in Housing Characteristics**

Area	% Housing Built in Last Five Years		% Occupied Units w/ More Than One Person per Room		Median Specified Owner-Occupied Home Value (2000 Dollars)		Median Gross Rent (2000 Dollars)		% Renters Paying over 35% of Income for Rent	
	1990	2000	1990	2000	1990	2000	1990	2000	1990	2000
City of Sunnyvale	9.5	6.5	8.4	13.1	\$449,145	\$495,200	\$1,058	\$1,270	26.3	23.8
Santa Clara County	8.9	6.9	10.9	14.3	\$390,690	\$446,400	\$1,044	\$1,185	31.7	29.6
California	13.8	6.0	11.7	15.2	\$263,925	\$211,500	\$837	\$747	36.4	34.1

NOTE: % Renters Paying over 35% Income in Rent includes "not computed" category in final count of specified renter-occupied units. Dollar Value Formula: "2000 Dollars" = 1990 Dollars x 1.35.

Source: US Census 1990 and 2000

## LIMITED ENGLISH PROFICIENCY (LEP)

Executive Order 13166, titled "Improving Access to Services by Persons with Limited English Proficiency", was issued on August 11, 2000. The Executive Order emphasizes that people who are otherwise eligible, but who have limited English proficiency (LEP), must have reasonable and meaningful access to federally funded programs and activities.

The Executive Order requires all entities providing federal financial assistance to evaluate their programs, and issue guidance on the provision of meaningful access to programs and activities to persons with LEP consistent with Title VI of the Civil Rights Act and the implementing

regulations. The Executive Order requires greater emphasis on the existing Title VI requirements to protect persons based on national origin.

The regulations require agencies to assess their programs and activities for accessibility by persons with LEP and to prepare an assessment that evaluates and balances the following four factors: the number or proportion of LEP persons in the eligible service population; the frequency with which LEP individuals come in contact with the program; the importance of the benefit, service, information or encounter to the LEP person (including the consequences of a lack of language services or inadequate interpretation/translation); and the resources available to the grantee/recipient or agency, and the costs of providing various types of language services.

Serving the needs of LEP individuals is of vital importance if they are to have meaningful access to federally funded services and programs. As part of its 2005/2006 fair housing activities, the City of Sunnyvale has conducted an initial assessment in order to determine an implementation plan for improving access to CDBG and HOME-funded programs and activities for persons with LEP. This initial assessment will help guide the City in determining its larger, longer-term strategy to deal effectively with LEP issues, and to initiate a plan to increase the accessibility of sub-recipient programs and activities.

The 2000 U.S. Census reported that there are 131,844 residents of the City of Sunnyvale. 51,990 persons, or 39% of the overall population, are foreign born: 67% from Asia; 19% from Latin and North America, 12% from Europe, and 2% from Africa and Oceania. The birth countries for most foreign-born residents are listed below:

**Table II.4 – Country of Birth of Foreign Born**

<b>Country of Birth of Foreign Born</b>	<b>Number of Individuals</b>	<b>Percentage of Foreign Born Population</b>
India	10,485	20%
China/Hong Kong/Taiwan	9,023	18%
Mexico/Central/South America	8,921	17%
Philippines	4,702	9%
Vietnam	3,046	6%
Other	15,813	30%
Total	51,990	100%

Source: 2000 U.S. Census

Of the 122,733 Sunnyvale residents over five years of age, 54% speak English at home, and 46% speak a language other than English at home. The following chart identifies the primary languages spoken by residents over the age of five in their home.

**Table II.5 – Language Spoken at Home**

<b>Language Spoken at Home</b>	<b>Persons Over 5 Years of Age</b>	<b>Percentage of Persons Over 5 Years of Age</b>
English	66,572	54.%
Asian/Pacific Island Languages	27,765	23%
Spanish	14,004	11%
Indo-European Languages	12,412	10%
Other Languages	1,980	2%
<b>Total</b>	<b>122,733</b>	<b>100%</b>

Source: 2000 U.S. Census

Households who speak a language other than English may also speak and understand English. In contrast, households who speak English “not well” or “not at all” are at risk of linguistic isolation. A linguistically isolated household is defined as a household in which no member 14 years of age and over: (1) speaks only English or (2) speaks a non-English language and speaks English “very well.”

2000 U.S. census data identified 14,432 Sunnyvale residents over the age of five as linguistically isolated. This is approximately 12% of the population over the age of five: 59% of this linguistically isolated group spoke Asian/Pacific Island languages, 26% spoke Spanish, 12% spoke Indo-European languages and 3% spoke other languages.

A critical aspect of community integration is the ability to bridge language and cultural barriers. Persons or households who do not speak or understand English may also limit their ability to access housing opportunities, and other vital community services, programs, or activities. Full and complete access to these community resources are especially critical to lower income LEP households who may need shelter, housing subsidies, food services, childcare or other subsidies and services just to survive.

A City of Sunnyvale report entitled “Outreach to Multi-Cultural Populations With Limited or No English Language Skills” identifies a diverse student population from the two largest public school districts serving Sunnyvale residents. The study shows that 28.2% of Sunnyvale Elementary School students and 13.1% of Fremont Union High School students speak a language other than English. Of the total 2,857 students from the two schools, the five languages most represented are: Spanish (44.2%), Filipino (10.8%), Mandarin (8.1%), Vietnamese (7.4%) and Cantonese (5.2%).

Based on interviews with local organizations serving multicultural populations, the report identified groups that speak the following languages as those whose English language skills are most likely to be limited or minimal: Spanish, Cantonese, Mandarin, Vietnamese, Tagalog, Korean and Russian. Many of the foreign elderly were identified as having particular difficulties with the English language. Spanish was identified by most agencies as the language for which translation was most often requested. Most non-profit organizations report that they employ

bilingual staff to assist clients who have difficulties with the English language. Fortunately, as the diversity of the community increases, so do the language capacities of non-profit organizations, governmental agencies, and businesses, as more and more multicultural/multilingual staff are employed.

The City of Sunnyvale Neighborhood and Community Resources staff also identified Spanish as the language most frequently needing translation by members of the community. This is not surprising given the fact that the Asian/Pacific Island languages in the census data are grouped to include Chinese (Mandarin, Cantonese), Filipino (Tagalog), Vietnamese, Japanese, and many more distinct languages and dialects, while the single category of “Spanish” encompasses all the languages of Latin American and Hispanic countries, even though numerous native dialects or indigenous languages are also spoken. So, while the Asian/Pacific Island languages represent the most linguistically isolated group as a combination of languages, Spanish is the single most frequently requested language for translation.

### *City of Sunnyvale Outreach*

The Sunnyvale City Council has been proactive in developing and implementing strategies leading to greater participation by multicultural populations in the Sunnyvale community. In March 2004 the City Council convened a community advisory task force to assess and make recommendations on improving the City’s outreach to multicultural populations. A report from the 10-member task force was delivered to Council in June 2004. The report, prepared by the Neighborhood and Community Services Program in the Office of the City Manager, included 16 recommendations that were approved for implementation. The recommendations were organized into five broad strategies:

1. Expand representation and participation of multicultural populations at all levels of City government and in community life.
2. Increase the awareness and responsiveness of City government to multicultural issues within the community.
3. Acknowledge, value and celebrate Sunnyvale’s multicultural populations.
4. Facilitate an increased “sense of community” within Sunnyvale.
5. Communicate more effectively with populations speaking limited English.

Since that time some of the accomplishments include: a grant for the library to purchase Chinese and Spanish language materials, select news releases being sent to multicultural media in the Bay Area, a database being compiled and utilized to reach religious and cultural associations to further outreach efforts, cultural activities listed on the City’s online Community Events Calendar, “multi-lingual services available” signs posted in nine languages at select City contact points, and guidelines prepared for translating documents into other languages.

The City has identified and compiled a list of bilingual staff to provide translation services to all departments (in person, over the phone, etc), on an as-needed basis. Certified bilingual staff members have passed a language certification review and receive a stipend for their bilingual skills. Between November 2005 and January 2006, the City tracked the frequency of requests, staff time spent on the program, the languages requested, the source of contact, and whether the

request was by phone or in person. When completed, the results of this study will help guide the City in determining the best use of resources and the most effective ways to communicate with persons with limited English proficiency. Following are the languages currently available in City Hall, and the number of staff fluent in that language: Spanish (26); Chinese (Cantonese - 2, Mandarin - 6); Vietnamese (3); Tagalog (4), Russian (2), Hebrew (1), Farsi (1), Portuguese (1). Additionally, the City has an on-going contract for translation services with A.T & T. City materials are routinely translated into Spanish, Chinese and other languages as required.

## **INFORMATION FROM THE FAIR HOUSING STUDY IN SANTA CLARA COUNTY**

A special study on fair housing in Santa Clara County prepared by the Empirical Research Group, UCLA, provides some useful background data on the current extent and nature of fair housing problems in Santa Clara County. The study identified two main impediments to fair housing choice in Santa Clara County. They are affordability, and the fact that fair housing programs are largely reactive rather than proactive. Some information from this study related to perceptions of housing discrimination and lending patterns are presented below.

### **Perceptions of Housing Discrimination**

The study included interviews with a stratified random sample of 250 Santa Clara County residents. One of the purposes of this study was to assess how much discrimination different groups within the County perceive. Table II.6 below shows the percentage of respondents agreeing with various statements relating to discrimination.



**Table II.6**  
**Perceptions of Housing Discrimination**

<b>Percent of each group in agreement with statement:</b>				
<b>Question</b>	<b>Blacks</b>	<b>Hispanics</b>	<b>Whites &amp; Asians</b>	<b>Total</b>
Hispanics and Blacks often miss out on good housing because white home owners won't sell or rent to Hispanics and Blacks	42.9%	13.6%	10.1%	<b>12.1%</b>
Landlords trying to keep families with children out of rental complexes that cater to singles or couples with no children (% agreeing that it is a very serious problem)	6.4%	5.1%	0.0%	<b>1.4%</b>
Realtors encouraging minorities to buy homes only in minority areas (% agreeing that it is a very serious problem)	3.2%	6.8%	0.7%	<b>2.2%</b>
Banks applying more stringent standards to minorities than non-minority home loan applicants (% agreeing that it is a very serious problem)	9.5%	3.4%	2.0%	<b>2.6%</b>
Landlords and home sellers not renting or selling the disabled applicants because of their disability (% agreeing that it is a very serious problem)	3.2%	0.0%	2.0%	<b>1.6%</b>
Families being priced out of apartments due to rising rents (% agreeing that it is a very serious problem)	46.0%	62.7%	72.3%	<b>69.1%</b>
Landlords and home sellers not renting or selling to minority applicants because of their race (% agreeing that it is a very serious problem)	6.4%	5.1%	0.7%	<b>1.9%</b>
Do you think that you have ever been discriminated against when trying to buy or rent a house or apartment?	44.4%	23.7%	13.5%	<b>17.0%</b>
Did this happen in Santa Clara County?	36.5%	18.6%	11.5%	<b>14.0%</b>

Source: Empirical Research Group, Santa Clara County Fair Housing Survey, 2002

Note that Whites and Asians tended to perceive relatively low levels of housing discrimination, while Blacks perceived relatively high level of discrimination. Hispanics tended to fall in the middle. On a variety of questions about racial discrimination, only about 8 to 12 percent of the general population selected the most severe choice to describe specific problems. The range for Hispanics was higher (12 to 24 percent), and the range for Blacks was much higher (22 to 43 percent).

## **Analysis of Lending Patterns**

The study analyzed Home Mortgage Disclosure Act (HMDA) data for Santa Clara County for the years 1992 through 1999. Under HMDA most banks, savings associations and many mortgage brokers must disclose each year the racial, gender, and income characteristics of all home loan applicants and how those applications were resolved. This makes it possible to analyze lending experiences of different groups and the performance of individual lenders.

The tables that follow show the denial rates of the top lending institutions in the Santa Clara County using Whites as a comparison. Table II.7 shows the denial rates for Asians, Table II.8, Blacks, and Table II.9, Hispanics. The Asian/White comparison is a good benchmark because the overall rejection rates for the two groups are similar. As shown in Table II.7, the two groups' denial rates are generally within a couple of points of one another (sometimes higher and sometimes lower for Asians).

However, in Table II.8, the pattern is quite different. At five of the institutions the denial rates between Blacks and Whites is over ten points, while in four other institutions the gap is 6.1 points or less. One would think that systematic differences between Blacks and Whites in terms of assets or credit records would tend to play out in similar ways across different institutions. For rejection rates to be less than 1% apart at some companies, but 17% apart at Bank of America and Washington Mutual raises questions. It is also notable that the conventional banks on the list tend to have greater disparities between the races than do the mortgage companies on the list. All of this suggests the possibility of either outright discrimination by some institutions, or the adoption of underwriting criteria by some, but not all, lenders, that greatly aggravate existing racial disparities.

Examining Hispanic/White differences by individual lenders (Table II.9) shows a third pattern. Here the differences in denial rates are more consistently large (and statistically very significant), though again the range in denial rates is striking. With the exception of CIT Group, one does not find in the Hispanic/White list any rejection ratios that approach 3:1, which exists for Blacks at either Bank of America or Washington Mutual. It is thus more plausible that the Hispanic rejection rates, though high, are due to more systematic factors that are widely followed by Santa Clara County lenders. For example, lenders may be systematically underappraising older homes or demanding proof of citizenship from borrowers.

**Table II.7**  
**Santa Clara County Denial Rates of the Top Lending Institutions**  
**For Asians Using Whites as a Comparison**

Rank	Institution	Governing Agency	Asians		Comparison to Whites	
			Applica-tions	Denial Rate	Applica-tions	Denial Rate
1	Washington Mutual Bank F.A.	OTS	3970	8.8	6824	10.4
2	Bank of America	OCC	3606	15.5	8697	13.3
3	Countrywide Home Loans	HUD	2425	14.4	5697	14.2
4	Norwest Mortgage, Inc.	FRB	1748	11.2	3431	8.6
5	World Savings and Loan Assoc.	OTS	1736	8.2	2216	7.7
6	Provident Funding Associates	HUD	1495	9.4	1022	10.8
7	Nationsbanc Mortgage Corp.	OCC	1318	19.9	1986	17.3

Source: HMDA data 1992-1999 reported in Empirical Research Group, Santa Clara County Fair Housing Study, 2002;

**Governing Agency Codes**

OCC Office of the Comptroller of the Currency

FRB Federal Reserve System

1.FDIC Federal Deposit Insurance Corporation

OTS Office of Thrift Supervision

NCUA National Credit Union Administration

HUD Department of Housing and Urban Development

**Table II.8**  
**Santa Clara County Denial Rates of the Top 10 Leading Institutions**  
**For Blacks Using Whites as a Comparison**

Rank	Institution	Governing Agency	Blacks		Comparison to Whites	
			Applications	Denial Rate	Applications	Denial Rate
1	Bank of America	OCC	239	30.4	8697	13.3
2	Washington Mutual Bank, F.A.	OTS	165	27.3	6824	10.4
3	Countrywide Home Loans	HUD	160	25.6	5697	14.2
4	Norwest Mortgage, INC.	FRB	136	14.7	3431	8.6
5	Home Saving of America, F.A.	OTS	96	26	2954	12.4
6	Great Western Bank, A FSB	OTS	91	25.3	1862	17.4
7	The CIT Group/Sales Financing	FRB	81	28.4	1675	22.3
8	Kaufman & Broad Mortgage Co.	HUD	76	6.6	1288	5.7
9	North American Mortgage Co.	HUD	70	15.7	1761	15.1
10	Downey Savings and Loan Assoc.	OTS	67	35.8	2014	15.8

Source: HMDA data 1992-1999 reported in Empirical Research Group, Santa Clara County Fair Housing Study, 2002;

**Governing Agency Codes**

OCC Office of the Comptroller of the Currency

FRB Federal Reserve System

2.FDIC Federal Deposit Insurance Corporation

OTS Office of Thrift Supervision

NCUA National Credit Union Administration

HUD Department of Housing and Urban Development

**Table II.9**  
**Santa Clara County Denial Rates of the Top 10 Lending Institutions**  
**for Hispanics Using Whites as a Comparison**

Rank	Institution	Governing Agency	Hispanics		Comparison to Whites	
			Applications	Denial Rate	Applications	Denial Rate
1	Bank of America	OCC	2321	23.8	8697	13.3
2	Washington Mutual Bank, F.A.	OTS	1174	22	6824	10.4
3	Countrywide Home Loans	HUD	1084	23.3	5697	14.2
4	World Savings Bank, FSB	OTS	557	15.3	960	9.5
5	THE CIT Group/Sales Financing	FRB	542	43.7	1675	22.3
6	North American Mortgage Co.	HUD	538	23.1	1761	15.1
7	Great Western Bank, A FSB	OTS	531	27.3	1862	17.4
8	Norwest Mortgage, INC	FRB	503	14.7	3431	8.6
9	Home Savings of America F.A.	OTS	490	28.8	2954	12.4
10	Bank of America, FSB	OTS	465	20	1017	13.5

Source: HMDA data 1992-1999 reported in Empirical Research Group, Santa Clara County Fair Housing Study, 2002;

**Governing Agency Codes**

OCC Office of the Comptroller of the Currency

FRB Federal Reserve System

3.FDIC Federal Deposit Insurance Corporation

OTS Office of Thrift Supervision

NCUA National Credit Union Administration

HUD Department of Housing and Urban Development

### **III. CITY OF SUNNYVALE'S FAIR HOUSING PROFILE**

An important component of the AI is obtaining information directly from the field regarding fair housing issues. While City residents were not contacted directly, the City contacted agencies that provide services to residents to learn about residents' fair housing problems.

The Director of Emergency Assistance at Sunnyvale Community Services reported that the main problem for the agency's clients is that the rents are too high. Clients cannot afford to pay so much for housing. There were some discrimination problems when the market was tight and there were few vacancies. Some landlords would refuse to rent to two or three families sharing a unit. They are more lenient now. The market has softened, with much higher than average vacancy rates. However, the rules may change again, when the market rebounds and vacancies decline. The agency reports that at least 40% of their clients have limited English proficiency. The most frequently requested language translation is for Spanish. Agency staff are currently fluent in Spanish, Vietnamese and four Chinese dialects. The agency also noted that it is not uncommon for clients (especially those who have recently immigrated) to bring along a relative or friend to translate for them.

Staff at the Salvation Army reported that for their clients, the problem is that their income levels are too low and rents in the area are too high. The Salvation Army refers clients to Project Sentinel if they are experiencing landlord-tenant problems.

A staff attorney at the Asian Law Alliance noted that the agency periodically receives calls from Sunnyvale residents regarding 30-day notices or perceived discrimination. He pointed out that there might be problems due to clients' limited English ability or possible discrimination due to "national origin".

Staff at Project Sentinel noted that multilingual support, both written and verbal, is a high priority need. Agency staff indicated that it was not uncommon for tenants with limited English language skills to be taken advantage of by apartment owners or managers. Examples might be taking payments in cash and not issuing a receipt, or enforcing illegal, discriminatory occupancy standards. Project Sentinel staff speak both Spanish and Chinese, as well as other languages, and the voice-mail recording directs callers in both English and Spanish. Brochures and information about fair housing are routinely translated into Spanish and 8 Asian languages. The agency participates in the AT&T language bank for those callers or clients who need further language assistance.

Project Sentinel staff said that based on the agency's experience, a need exists for fair housing audits and testing, especially relating to accommodation for persons with disabilities. One

example of the lack of accommodation is landlords prohibiting service animals because of a “no pets” policy. From the experience of Project Sentinel staff, it is the owner/manager of complexes with fewer units that most need to be educated about accommodation requirements. Another aspect of housing for persons with disabilities that Project Sentinel staff discussed is the issue of accessibility and ensuring that landlords comply. The agency has developed a checklist to use for accessibility audits for both existing and new residential construction.

Project Sentinel provides landlord/tenant mediation services to about 360 Sunnyvale residents a year. The most prevalent type of case involves security deposit issues (35 percent), followed by cases involving 30-day or 3-day notices (15 percent). The agency assists persons with disabilities to negotiate accommodations, and works to resolve neighbor to neighbor disputes.

Project Sentinel has provided fair housing services and responded to fair housing complaints for the City since 2003. They provided specific information on the Sunnyvale cases and complaints that their office processed for the fiscal year 2004/05. During that period the agency investigated 30 cases of reported discrimination in Sunnyvale. Of the 30 cases investigated, 14 cases had positive outcomes (successful conciliation, referred to attorney, referred to the HUD, or counseled/assisted), 8 required additional education, and 8 are pending. 25 of the clients were white, two were African American, one was Asian and two were Alaskan or American Indian. Eight were of Hispanic origin. Cases of reported discrimination for 2004/05 were in the following categories:

<b>Category</b>	<b>Number of Cases</b>	<b>Percentage of Cases</b>
Familial Status (Families with children)	13	43.3%
Handicap/Disability	9	30.1%
Race/National Origin	5	16.7%
Gender	1	3.3%
Religion	1	3.3%
Sexual Orientation	1	3.3%
<b>Total</b>	<b>30 Cases</b>	<b>100%</b>

Familial Status (Families with children) 13 Cases 43.3%

Handicap/Disability 9 Cases 30.1%

Race/National Origin 5 Cases 16.7%

Gender 1 Case 3.3%

Religion 1 Case 3.3%

Sexual Orientation 1 Case 3.3%

Total 30 Cases 100%

A recent trend reported by Project Sentinel has been the emergence of “hostile environment” cases. The majority of these cases relate to families with children. Victims of a hostile environment may have been allowed to rent a unit, but then find that they are exposed to more stringent or different rules than the other tenants. Examples might be that children are told they cannot walk or play on the lawn, or make noise, or that they cannot use the pool during certain hours when other residents are able to do these things. Additionally, management may be overly restrictive in the interpretation of occupancy policies for families with children. There have been a growing number of such cases throughout Project Sentinel’s service area. This may be due to heightened awareness on the part of fair housing staff, or this may be a new trend in housing provider management styles. Three of the familial status cases in Sunnyvale during fiscal year 2005/2006 include an allegation of a hostile environment.

In 2005, Project Sentinel proactively conducted 27 accessibility audits on multi-family housing sites, four of which were located in Sunnyvale. Each of the four sites surveyed had over 200 rental units, and all four had fair housing violations. Three of the four sites resulted in the filing of fair housing violation complaints with HUD. Audits were also conducted on 20 rental sites for national origin discrimination, five of which were in Sunnyvale. Although four of the five testers reported slightly differential treatment, it seemed to have little impact on a home seeker’s housing opportunities.

There are 20 mobile home parks in Sunnyvale providing housing for approximately 4,000 persons. Because the use of the unit is controlled by park rules rather than by the needs of owners, the residents can be negatively impacted when the housing market changes. Many parks don’t allow residents to rent their spaces, or they charge more for the space if it is rented. This practice can make a mobile home rental rate exceed the current market rate. An owner may find that they are unable to live in, sell or rent their unit in a way that is economically viable. The City, along with Project Sentinel, conducted a series of workshops for mobile home owners to advise them on a full range of issues including their rights, discriminatory practices, occupancy standards, and the laws relating to the operation of mobile home parks. A large number of the City’s low-income residents live in mobile home parks and are directly affected by the operating procedures at the parks. Mobile homes are an important affordable housing resource.



## IV. IDENTIFICATION OF IMPEDIMENTS TO FAIR HOUSING

The City has identified impediments to fair housing choice as listed below.

### IN THE SALE OR RENTAL OF HOUSING

- Lack of Available Housing – There is an inadequate pool of available housing in Sunnyvale and countywide. Housing shortages increase the probability of housing discrimination by creating competition that can be used to disguise unlawful discrimination practices. The housing market has cooled somewhat and vacancies are more prevalent. However, should the market become tight again, the issue of discrimination may arise again.
- Lack of Available Funding – The housing shortage and resulting high housing costs have created an ongoing need for funding to subsidize housing costs in order to provide affordable housing to lower income persons unable to afford market rate housing. Efforts to subsidize housing are costly and have been hampered by limited federal and state funding available for housing. The City uses Community Development Block Grant (CDBG) funds to provide funding of fair housing services. In addition, the City contracts for services with Project Sentinel with support of the General Fund to provide landlord/tenant dispute resolution, mediation and education services in the City.
- High Cost to Develop Affordable Housing – Compounding the lack of available funding are the additional costs associated with the development of affordable housing. The development of affordable housing has been found to cost at least 20 to 30 percent more than equal quality market rate housing. This is due to the complex packaging of financing needed to subsidize the development of affordable housing. The need to obtain federal, state and local government funding assistance carries with it additional requirements not imposed on unsubsidized housing. These additional requirements tend to drive up costs. Some typical requirements that drive up costs are federal property acquisition requirements mandating that no less than the fair market value of the property be offered to the owner; federal relocation requirements and, if federal funding is used, the need to prepare two environmental reviews, one under the federal NEPA and one under the state CEQA requirements.
- Occupancy Restrictions in Rental Housing – Families with children remain the largest single class affected by discrimination in Sunnyvale. Occupancy restrictions continue to

be of particular concern to families in Sunnyvale as well as countywide. Occupancy restrictions are especially a problem when the properties involved are small apartment complexes or single-family homes whose owners are not knowledgeable about or unresponsive to the requirements of fair housing law.

- Cap on Income – Federal regulations limit the provision of housing assistance to those households earning 80 percent or less of Area Median Income (AMI). In high-income areas such as Santa Clara County. This cap has resulted in a large number of moderate-income households who are overpaying for housing (more than 30% of gross income) that may need housing assistance going unserved.
- Limited English Proficiency (LEP) - As the diversity of Sunnyvale residents increases, so do the number of persons who have no or limited English proficiency. Residents who do not speak English well, or not at all, may become linguistically isolated from the mainstream culture, and may not be able to access the available housing opportunities, and other vital programs, and services. They may not be aware of their rights and the laws meant to protect them, or the resources available to help them. Documentation status can also make some reluctant to call attention to themselves and their questions and concerns.
- Limited community knowledge of reasonable accommodation, accessibility and “visitability” requirements for persons with disabilities. Many landlords are unaware of their responsibilities to provide reasonable accommodations for persons with disabilities. Additionally, new building code regulations (SB 1025) meant to promote full access to community life (visitability) for persons with disabilities, are not yet well publicized or known.

## **PROVISION OF HOUSING BROKERAGE SERVICE**

There is no evidence to indicate discrimination in the provision of housing brokerage services. There are no mortgage-deficient (“red-lined”) residential areas where brokers or banks will not lend in Sunnyvale nor any area singled out for more careful review or required to pay higher than standard rates.

## **PROVISION OF FINANCING ASSISTANCE FOR DWELLINGS**

There is no evidence available that indicates discrimination in the provision of financing for dwellings in Sunnyvale. A number of studies carried out nationwide, however, show that in general, it is more difficult for Hispanic and Black households to qualify for a home mortgage

than White persons of similar income. The recent Santa Clara County fair housing study included an analysis of loan data collected under the Home Mortgage Disclosure Act. This analysis identified some differences in denial rates for Black and Hispanics at certain lending institutions in Santa Clara County and recommended additional research in this area. One of the actions that the City will request of the agency providing fair housing services is an analysis of the HMDA lending data for lending within Sunnyvale. This would indicate lending patterns specifically within Sunnyvale.

## **PUBLIC POLICIES AND ACTIONS AFFECTING THE APPROVAL OF SITES AND OTHER BUILDING REQUIREMENTS**

A review of public policies in the City's Consolidated Plan and Housing and Community Revitalization Sub-element determined that overall, local public policies do not constitute barriers to affordable housing or pose impediments to fair housing choice. The City's zoning ordinance contains a variety of zoning districts that allow a range of housing types as noted below:

- An ordinance has been adopted to allow for single room occupancy developments,
- There is a large supply of multifamily rental housing,
- Affordable housing is encouraged,
- An active Below-Market-Rate (BMR) Program provides new affordable rental and ownership units for income eligible persons,
- Minimum lot sizes, setbacks, floor area ratios and height requirements are not a barrier to affordable housing and permit a variety of housing types to be developed,
- There is a large supply of group homes for special needs groups and there are no limitations on the location of group homes as long as they comply with City Zoning and State requirements.

Although there are local fees associated with the development of housing, these fees are not excessive and in most instances are much less than fees charged by surrounding jurisdictions and are necessary for the provision of services and improvements. The City of Sunnyvale, like other cities, is not in a financial position to absorb such costs. Therefore, housing developers, both for profit and nonprofit, must pay the actual costs associated with the services provided by the City.

On July 1, 2005 new Building Code regulations relating to housing accessibility were enacted on an emergency basis. SB 1025 seeks to improve the overall environment of accessibility in multistory dwelling units and in covered multifamily apartments and condominiums without elevators. SB 1025 regulations were enacted to strengthen accessibility requirements for

specified residential dwellings, not previously covered. The regulations seek to provide mobility improvements and accessible routes in common areas and on the first floor so that persons with impairments may reasonably expect compliance with the standards necessary for their use.

These regulations incorporate the universal design concept of “visitability”. The concept of visitability does not offer complete accessibility, but rather the opportunity for a disabled person to visit the home of a relative, friend or neighbor without having to be lifted up a step at the threshold, and to be able to use a first floor bathroom. These design concepts allow persons with disabilities to be more integrated into the community and also allows residents to age comfortably in their own homes. Simple design considerations such as the provision of a 32” clear opening in all bathroom and interior doorways, and providing at least one accessible means of egress/ingress for each unit will greatly improve the visitability of a home as well as a community.

The City of Sunnyvale is supportive of affordable housing and makes every effort to work with housing developers to facilitate affordable housing projects. Projects are reviewed on a case-by-case basis and accommodations are provided as needed and appropriate to facilitate projects. Assistance provided in the past has included deferring the payment of fees; fast-tracking projects; providing technical assistance; and financial support of projects through bond financing, and loans utilizing federal and city housing funds.

## **V. ASSESSMENT OF CURRENT FAIR HOUSING PROGRAMS AND ACTIVITIES IN SUNNYVALE**

The City of Sunnyvale utilizes CDBG funds to obtain fair housing services for its residents. Project Sentinel, the City's current fair housing contractor, provides fair housing services to Sunnyvale residents and potential residents. This agency is responsible for providing fair housing information/referral, case investigation and consultation. In addition, they are responsible for proactively providing outreach to inform all segments of the community of their fair housing rights and the availability of fair housing services. The agency is also responsible for educating rental housing owners and managers regarding fair housing requirements and working with the local apartment associations to further fair housing in the community

The contract requires that Project Sentinel, on a regular basis, run ads in local and area publications such as the San Jose Mercury News, the Sunnyvale Sun, El Observador (Spanish language), Bay Area Parent magazine, India Currents, and places public service announcements regarding fair housing services. The agency is also required to work with the local apartment association at workshops, trade fairs, and other events and make presentations to a variety of groups, such as property managers. Additionally, they provide Rent Watch articles for publication in the Disabled Dealer, The Filipino Guardian, California Apartment Association Magazine, and the San Francisco Chronicle, and issue radio public service announcements in Spanish and English.

Project Sentinel staffs the Santa Clara County Fair Housing Task Force. The Task Force meets quarterly to discuss fair housing issues and trends. One major goal of the Task Force is to provide more proactive, educational fair housing programs. The following has been accomplished:

- Accessibility training for architects, planners, and developers
- Predatory lending roundtable for first time homebuyer trainers
- Assessed availability of multilingual literature
- Provided a 2004 Fair Housing Trends in Santa Clara County report,
- Conducted a first time homebuyer countywide networking meeting
- Planned a Fair Housing Symposium for April, 2006

The City of Sunnyvale utilizes General Funds to fund a contract for services to provide a tenant/landlord information referral and mediation program that assists tenants and landlords in

determining their rights and responsibilities, including fair housing, and in mediating disputes. Project Sentinel also operates this program, which offers neighborhood and consumer services that can assist property owners in handling neighborhood problems.

In addition to the activities described above, the City is involved in the following activities that further fair housing:

- The City has an active Housing and Human Services Commission, appointed by the City Council, to review the City's housing programs including fair housing initiatives and to advise the City Council on these matters.
- The City maintains an active list of bilingual employees who are available to assist residents with limited or no English skills to conduct City business either over the phone or in person.
- Signs at answer points in City Hall, and at the Columbia Neighborhood Center, advertise multilingual translation services in nine languages.
- The City is analyzing the possibility of creating a permanent City Board or Commission focused on multi-cultural issues.
- The City collaborates with the north county cities of Mountain View and Menlo Park in its fair housing contract with Project Sentinel. The City actively participates in the Santa Clara county Fair Housing Task Force. The task force is the direct result of a unique countywide CDBG collaborative that funded a comprehensive report by the Empirical Research Group, UCLA, *Fair Housing in Santa Clara County, An Assessment of Conditions and Programs, 2000-2002*.
- The City provides assistance through the Home Access program utilizing CDBG funds to assist elderly and disabled individuals to retrofit their homes and mobile homes to install and maintain hydraulic lifts and to make them accessible and suitable for their special needs. There are over [REDACTED] lifts in use by Sunnyvale residents.
- The City allocates CDBG funds for accessibility improvements, which fund curb cuts in sidewalks. In fiscal year 2005/2006, \$150,000 was allocated to this activity, with a total of [REDACTED] curbs retrofitted.

- The City cablecasts public meetings to inform the public of the services available to them (including fair housing services) and to get input regarding issues of concern and ways the City can better assist its residents.
- The City provides fair housing brochures to the public at the Community Development Department as well as other locations such as the Sunnyvale Library and the Columbia Neighborhood Center. The City's web site provides a direct link to fair housing services on the HUD web site. All materials are available in Spanish and select other languages.
- The City Manager's office administers a program to translate public documents into the languages used by City residents, "Printing of City Publications in Multi-Languages". City documents and brochures are routinely translated into Spanish and Chinese (and other languages as needed). The Consolidated Plan Needs Survey was available in English, Spanish, Vietnamese and Chinese.
- City staff, on a regular basis, review the statistics for the number and types of fair housing complaints received by the fair housing services provider and tracks the nature of the City's fair housing cases and consultations in order to understand trends of current conditions.
- Housing projects funded with City CDBG and/or HOME funds are required to comply with fair housing laws and to be proactive in marketing housing opportunities to individuals and needs groups. City staff monitor compliance with fair housing laws and the City's fair housing plan regularly. City staff also monitor to ensure that these projects contain a sufficient number of housing units that are physically accessible and usable by all persons, especially persons with disabilities and those with limited English proficiency. The City's Affirmative Marketing Policy and Procedures for CDBG and HOME Projects is attached to this AI. Preparation of an Affirmative Marketing Plan is required in City contracts and agreements for these projects and the City monitors the implementation and results of the Plan for each project.
- In accordance with section 104(d) of the Housing and Community Development Act of 1974, the City has established a Residential Anti-displacement and Relocation and Assistance Plan. The City's plan explicitly follows Section 104(d)'s requirements with respect to housing replacement, relocation practices and efforts to minimize the displacement of persons.

- In order to better provide for the wide range of incomes within Sunnyvale, the City's zoning ordinance contains a variety of zoning districts that allow a range of housing types.
- The City continues to translate announcements about the City's housing programs into Spanish and other languages when necessary, to emphasize that minorities are encouraged to apply, and to increase the participation of persons with limited English proficiency.
- The City also has a residential rehabilitation program that specifically focuses on providing decent and affordable housing for low-income homeowners and renters.
- The City supports a variety of cultural activities and celebrations that honor the diverse groups of its population. Cultural events sponsored by non-profit associations that are open to the public can be posted on the City's Community Calendar, which is linked to the City Web site's home page.
- The City funds a number of human services programs that target services to low income households, to assist them in finding suitable housing and related services.
- The City provides telecommunication relay service for people with impaired speech or hearing and accommodates requests for sign language interpretive services with sufficient advance notice.
- The City offers educational workshops to first time homebuyers that include information on fair housing and predatory lending.
- The City provided educational workshops for mobile home owners that explain State mobile home park law, credit and finance options, anti-discrimination protections, and other relevant topics.
- The City supports universal design concepts such as "visitability" and makes every effort to work with homeowners and developers to encourage inclusion in renovations or new developments.
- The City requires, through ordinance and administrative guidelines, of the full integration of its Below-Market Rate (BMR) units into new housing developments. The City works with each developer to insure that all BMR units are geographically dispersed throughout



the complex, and that the exterior and interior of the BMR units are identical to the market rate units in the complex.

## VI. RECOMMENDATIONS

The City of Sunnyvale's overall fair housing goal is stated in the City's *Housing and Community Revitalization Sub-element, January 1999-June 2006* (January 2002), which is the policy base for Sunnyvale's current and future housing actions. The fair housing goal is stated as follows:

GOAL G:     *Provide equal opportunity for housing for all people regardless of their ethnicity, race, religion, marital status, disability, gender, sexual orientation or age.*

Over the next five years, the City will pursue the actions and strategies listed below, which have been developed in conjunction with the Analysis of Impediments of Fair Housing Choice.

### EDUCATE AND INCREASE AWARENESS OF FAIR HOUSING ISSUES

The City will continue to publicize fair housing issues and make the public aware of the resources available to address fair housing problems. The City will continue to work with CDBG representatives from Santa Clara County and the other cities in the County. The City will undertake the following activities:

- Promote increased public awareness of fair housing rights and responsibilities in conjunction with other local agencies and service providers, including the rights of persons with limited English proficiency to reasonable and meaningful access to federally conducted or sponsored activities.
- Continue the successfully partnership with Tri-County Apartment Association to increase education and outreach to owners of apartment complexes regarding fair housing laws.
- Partner with other agencies and groups to educate the public on predatory lending practices.
- Work with local real estate brokers and mortgage lenders to increase their awareness of fair housing laws and discriminatory practices.
- Continue homebuyer education programs and ongoing education for BMR homeowners and renters, and for participants in the first time homebuyer programs that the City offers.

- Expand service provider’s work program to include providing fair housing informational materials to households occupying or waiting to occupy BMR rental and ownership units, translated into Spanish and other languages as needed.
- Expand service provider’s work program to include educating landlords and the public about disabled access “visitability” concepts and requirements.
- Educate service providers on their obligations to LEP clients, while assessing their needs, ability to respond appropriately, outreach efforts, and the resources available to them. Expand service provider’s work program to include required responsiveness to LEP clients.
- Provide educational opportunities within the Building Department and for homeowners and developers on the concepts of “visitability” relating to new construction and rehabilitation.
- Continue to display annually Fair Housing Month art by local schoolchildren in City Hall and to use the artwork, whenever possible, to promote fair and equal housing.

## **RESEARCH AND MEASURE THE EXTENT OF HOUSING DISCRIMINATION IN SUNNYVALE**

The Fair Housing in Santa Clara Study recommended additional research to measure the extent of discrimination and the impact of enforcement activity in the County. Such research is best carried out through joint efforts of jurisdictions within the County. The City will undertake the following actions:

- Expand the fair housing service provider’s work program to include:
  - a) Development of a systematic, randomized testing program in Sunnyvale;
  - b) Assess compliance of mobile home parks with fair housing laws and state regulations, and space rental increases and impacts on occupants;
  - c) Assessment and comparison of lending patterns of Sunnyvale banks based on Home Mortgage Disclosure Act (HMDA) data as a benchmark;
  - d) Survey BMR renter occupants to assess perceptions of housing discrimination; and
  - e) Assess compliance of a select number of small rental complexes for compliance with accessibility.

- Consider funding a random survey of Sunnyvale residents to assess perceptions of housing discrimination (similar to the County survey conducted in August 2000).
- Conduct an assessment of housing and service providers to evaluate the ability of persons with LEP to access sponsored services, programs, and activities, including an evaluation of the number of persons affected, and the available resources:
  - a) Revise funding applications to include a section on how persons with LEP are assisted
  - b) Revise quarterly reports to track the number of LEP persons served, and the languages most frequently requested
  - c) Revise contracts to include language specific to responding to persons with LEP
  - d) Provide educational training for non-profits on reasonable and meaningful access by persons with LEP
  - e) Develop a listing of citywide and countywide language resources

## **COORDINATE WITH OTHER ORGANIZATIONS TO ADDRESS FAIR HOUSING ISSUES**

The City recognizes that its resources to support fair housing services are limited and that cooperation and collaborating with other agencies and jurisdictions is a high priority. The City will undertake the following activities:

- Actively participate and support the ongoing efforts of the countywide Fair Housing Task Force. Membership on the task force is drawn from CDBG jurisdictions, fair housing service providers, a citizens advisory group, the Board of Realtors and other interested parties.
- Support the efforts of the Housing and Human Services Commission to participate in the City's fair housing activities and work with other local organizations.

## **REVIEW AND MONITOR THE CITY'S CONTRACTS FOR FAIR HOUSING ACTIVITIES**

As part of its review of its fair housing activities, the City has recognized the value of revising its contracts for the delivery of fair housing services and monitoring mechanisms. During the AI period, the City will undertake the following activities:

- Continue to use a competitive bidding process to contract for fair housing services, and consolidating, and revising those services, as needed. Coordinate services with other north county cities (Palo Alto and Mountain View) to provide comprehensive services throughout the region.
- Encourage the fair housing service provider to take more direct action regarding fair housing issues, including public outreach, monitoring and assuming a lead role on the Santa Clara County Fair Housing Task Force.